

Appl No.: 10/811,595

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PC-1696**REMARKS/ARGUMENTS**

Favorable consideration of this application is respectfully requested. The specification and drawings have been amended, and claims 1, 9, 21 and 23 have been appropriately amended. No new matter has been entered since the original application has antecedent basis for these amendments.

As to the objection to drawing figures 1, 7 and 8, applicant has now included Replacement Drawing Sheets for these figures which include the "bracket" in each of these figures to show the relationship or order of assembly of various parts. No new matter has been entered since the originally filed specification describes the relationship and order of assembly of these various parts on at least pages 5, 10, and page 13 of the specification. This amendment is further deemed to be acceptable, since the examiner "required" these corrections in response to the office action. Thus, removal of this objection is respectfully requested.

As to the objection to the drawings not showing "two multi-stage air filter systems....(as claims 1 and 23) must be shown....", applicant has included an amendment to Fig. 6 labeling "two multi-stage air filter systems..." No new matter has been entered since the originally filed specification has support for "two multi-stage air filter systems..." For example,

The original Figures CLEARLY SHOW FILTERING OF BOTH AIR INTO THE ENCLOSURES AND FILTERING OF AIR OUT OF THE ENCLOSURES THROUGH DUAL FILTERING SYSTEMS. Original Fig. 6 clearly shows TWO FILTERING LINES GOING IN AND OUT OF THE ENCLOSURE identified by 250, with the original specification at page 6, lines 6-7, stating "The invention can also substitute single-stage air filtering instead of multi-stage."

A second multistage filtering system is clearly described in the originally filed specification. Page 9, lines 19-21 of the originally filed specification states "**A multi-stage filtration and blower can also be used for releasing air from the enclosure for quarantine purposes. A second filter system** with blower can be used for forming a negative pressure to filter air coming out of the enclosure."

Additionally, the summary of the originally filed specification clearly describes having BOTH filtering systems for filtering air into an enclosure(page 2, line 22 through

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page 3, line 13) and for filtering air inside the enclosure from being released outside(page 3, lines 21-26). Page 3, lines 21-23, further states "...positive and/or negative pressure causing blower fans, release valves, and the like, can also be used..."

The specification clearly identifies the "multi-stages can include a carbon filter, a HEPA filter, an anti-microbial filter and an electric filter..." on page 9, lines 4-5. Clearly the specification describes the both the first and second multi-stage filtering systems can have similar filtering stages and blowers. As noted above the first multi-stage filtering system can cause a positive pressure inside the enclosure and the second multi-stage filtering system can cause a negative pressure inside of the enclosure.

No new matter has been entered since the amendments to Fig. 6 clearly have support in the originally filed specification and drawings. Thus, removal of this drawing objection is respectfully requested.

Claims 1-3, 5, 8-11, 21 and 23 were rejected under sec. 112 first paragraph. Specifically, the rejection states that the specification "as originally filed, do not describe an enclosure comprising, a second multi-stage air filter system including an output exhaust blower for forming a negative pressure inside the enclosure having a fourth, fifth, sixth filters" as claimed. Applicant respectfully disagrees.

The original Figures CLEARLY SHOW FILTERING OF BOTH AIR INTO THE ENCLOSURES AND FILTERING OF AIR OUT OF THE ENCLOSURES THROUGH DUAL FILTERING SYSTEMS. Original Fig. 6 clearly shows TWO FILTERING LINES GOING IN AND OUT OF THE ENCLOSURE identified by 250, with the original specification at page 6, lines 6-7, stating "The invention can also substitute single-stage air filtering instead of multi-stage."

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Clearly, the original specification specifically states the "second filter system" having a "multi-stage filtration and blower" with the "blower...forming a negative pressure.." as referenced above and stated on page 9, lines 19-21. Fig. 6 clearly shows BOTH INPUT AND OUTPUT FILTERING LINES, and other parts of the specification including the summary further describe the combination of input and output filtering systems used together. Applicant has made a good faith attempt to amend the drawings as required by the examiner and amend the specification to clarify the two multi-stage filtering systems. No new matter was entered since the two multi-stage filtering systems were in the originally filed application as noted above. Thus, removal of this rejection under sec. 112, first paragraph is respectfully requested.

Claims 1-3, 5, 8-11, 21 and 23 were rejected under sec. 112, second paragraph as being indefinite. Applicant has made a good faith attempt to appropriately amend the objected to phrases that were listed in this rejection. Removal of this rejection is respectfully requested.

Claims 1, 8-11 were rejected under sec. 103 as being unpatentable by Levy '529 in view of Kotliar '850. The Levy '529 device is limited to filtering air into the enclosure, paragraph 14, and does not describe, teach or suggest a second multi-stage filtering system for forming a negative pressure inside of the enclosure and filtering out air inside of the enclosure through at least three different filters as required by the claims.

Kotliar '850 does not overcome the deficiencies to Levy '529. Kotliar does NOT describe, teach or suggest TWO MULTI-STAGE FILTERING SYSTEMS as required by the subject claims. Kotliar '850 is limited to an "environment...for resting in for the

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purposes of improving health conditions of people with bronchial asthma and respiratory allergies.", column 1, lines 12-15. No where does Kotliar describe, teach or suggest a filtering air going into the enclosure and filtering air exiting the enclosure.

The rejection is clearly reading the figures and text of Kotliar OUT OF CONTEXT. In both Figures 1 and 2, Kotliar is ONLY CONCERNED WITH FILTERING AIR GOING INTO THE ENCLOSURE. Referring to Fig. 1, column 2, lines 24-27, clearly describes passing air going into the enclosure by "blower 17" through a "HEPA filter 19" to provide "sterile air for breathing inside the tent 11", column 2, lines 21-22.

Likewise the embodiment of Fig. 2 is also used for FILTERING AIR GOING INTO THE TENT. Column 2, lines 52-58 states that "Blower or pump 27 draws air from tent...air is sucked into tent 21 through a flat HEPA filter 29...."

Thus, Kotliar does NOT describe, teach or suggest filtering air going into the enclosure and filtering air going out of the enclosure.

Thus, removal of this rejection is respectfully requested.

Claims 1, 5, 9-11 were rejected under sec. 103 as being unpatentable by Kotliar '850 in view of Knuth '619. As previously discussed, does NOT describe, teach or suggest the claimed two multi-stage filtering systems as claimed by the subject invention. Knuth '619 does NOT overcome the deficiencies to Kotliar. Knuth '619 is limited to a portable "system" for "removing....contaminants and ...purifying the air of a contained environment...", column 1, lines 8-13. Knuth does not describe, teach or suggest the claimed novel two multi-stage filtering systems as claimed by the subject invention. Thus, removal of this rejection is respectfully requested.

Claims 2-3 were rejected under sec. 103 as being unpatentable by Kotliar '850 in view of Knuth '619 and further in view of Grisenbeck '598. The Grisenbeck devices do not overcome the deficiencies to Kotliar and Knuth referenced above. Grisenbeck does not describe, teach or suggest the claimed novel two multi-stage filtering systems as claimed by the subject invention. Thus, removal of this rejection is respectfully requested.

Claim 21 was rejected under sec. 103 as being unpatentable by Kotliar '850 in view of Knuth '619 and further in view of Searle. The Searle devices do not overcome

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the deficiencies to Kotliar and Knuth referenced above. Searle does not describe, teach or suggest the claimed novel two multi-stage filtering systems as claimed by the subject invention. Thus, removal of this rejection is respectfully requested.

Claim 23 was rejected under sec. 103 as being unpatentable by Kotliar '850 in view of Knuth '619 and further in view of Searle. The Searle devices do not overcome the deficiencies to Kotliar and Knuth referenced above. Searle does not describe, teach or suggest the claimed novel two multi-stage filtering systems as claimed by the subject invention. Thus, removal of this rejection is respectfully requested.

Amended independent claim 23 has been amended to include the features of independent claim 1 and both dependent claims 9 and 21, and is also believed allowable for at least the same reasons described above.

The mere fact that someone in the art can rearrange parts of a reference device to meet the terms of a claim is not by itself sufficient to support a finding of obviousness. The prior art must provide a motivation or reason for someone of ordinary skill in the art, without the benefit of the inventor's specification to make the necessary changes in the reference device. *Ex parte Chicago Rawhide Mfg. Co.*, 223 USPQ 351, 353 (Bd. Pat. App. & Inter. 1984).

There is no teaching, nor suggestion for modifying the references of record to include all the novel features of the claims. Under well recognized rules of the MPEP (for example, section 706.02(j)), the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Applicant contends the references cannot be modified to incorporate the features of subject claims 1-3, 5, 8-11, 21 and 23 without utilizing Applicant's disclosure. The courts have consistently held that obviousness cannot be established by combining the teachings of the prior art to Applicant to produce the claimed invention, absent some teaching, suggestion, incentive or motivation supporting the combination. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990).

The Board of Appeals has held rejections cannot stand if there is no evidence or suggestion in the cited references for the novel claimed configuration of components. *Ex*

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Parte Katoh et al, Appeal 20071460, Decided May 29, 2007. Here, the cited references do NOT SUGGEST the novel claimed features.

Further, the Examiner has not provided any evidence that it was conventional in the art to combine the references of record to reject the subject claims, which the Board of Appeals has stated is impermissible. *Ex Parte Owlett*, Appeal 20070644, Decided June 20, 2007

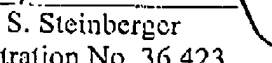
The Board of Appeals has held that an Examiner who has not provided a sufficient reason or explicit analysis of why the disclosures of the references should be combined, must REMOVE the rejection. *Ex Parte Erkey et al*, Appeal 20071375, Decided May 11, 2007. Here, there is no sufficient reason or explicit analysis for combining these references to reject the subject claims.

The Board of Appeals has continued to hold that using the applicants invention as a template through which to form a hindsight reconstruction of the applicants' claims is improper, which has been done here. *Ex Parte Crawford et al*, Appeal 20062429, Decided May 30, 2007.

"[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." (*In re Kahn*, 441 F. 3d 977, 988 (CA Fed. 2006).

For the above reasons, applicant respectfully requests that claims 1-3, 5, 8-11, 21 and 23 be allowed and a notice of allowance be issued. Such action is respectfully requested. Alternatively, Applicant respectfully requests for an interview with Examiner Winnie Yip and Supervisor David Dunn if the above amendments does not place the application in condition for allowance. Such action is respectfully requested.

Respectfully Submitted;


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